

Application No.: 10/630,562
Response dated August 6, 2007
Reply to Office Action of May 7, 2007
Docket No.: 760-12 DIV/CON/RCE
Page 4

Remarks/Arguments:

Introduction

Claims 1-9 and 11-13 are pending. Claim 10 has been canceled without prejudice.
Claims 2, 4, 5, 9 and 11 are withdrawn from consideration.

Double Patenting Rejections

Claims 1, 3, 6-8, 12, and 13 are rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1-15 of U.S. Patent No. 6,364,904.

Applicant submits herewith a terminal disclaimer over U.S. Patent No. 6,364,904.

Accordingly, Applicant submits that claims 1, 3, 6-8, 12, and 13 are therefore in condition for allowance.

Further, Applicant respectfully submits that withdrawn claims 2, 4, 5, 9 and 11 depend, either directly or indirectly, from allowable claim 1. Reentry and allowance of the withdrawn of are withdrawn claims 2, 4, 5, 9 and 11 are respectfully requested.

Summary

Therefore, Applicant respectfully submits that independent claim 1, and all claims dependent therefrom, are patentably distinct. This application is believed to be in condition for allowance. Favorable action thereon is therefore respectfully solicited. Upon indication of allowable subject matter, reentry and allowance of the withdrawn claims are respectfully requested.

Application No.: 10/630,562
Response dated August 6, 2007
Reply to Office Action of May 7, 2007
Docket No.: 760-12 DIV/CON/RCE
Page 5

Should the Examiner have any questions or comments concerning the above, the Examiner is respectfully invited to contact the undersigned attorney at the telephone number given below.

A fee of \$130.00 is believed to be due with this response. The Commissioner is hereby authorized to charge payment of this fee or any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 08-2461. Such authorization includes authorization to charge fees for extensions of time, if any, under 37 C.F.R. § 1.17 and also should be treated as a constructive petition for an extension of time in this reply or any future reply pursuant to 37 C.F.R. § 1.136.

Respectfully submitted,



John S. Sopko
Registration No.: 41,321
Attorney for Applicant(s)

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(973) 331-1700